THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.28053 OF 2005

DATED:23.1.2006

Between:

Naragani Muthamma

…Petitioner

And

The Mandal Revenue Officer,

Bhadrachalam, Khammam District

and others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.28053 OF 2005

ORDER:

The petitioner is resident of Bhadrachalam. She filed the instant Writ Petition seeking a Writ of Mandamus declaring the action of the respondents in trying to dispossess and demolish the petitioner's house bearing No.12-2-16/9, Nillipaka Road, Bhadrachalam, as illegal and arbitrary. She also seeks a consequential direction to the respondents not to interfere with the possession of the petitioner.

It is the case of the petitioner that she requested the revenue authorities for allotment of house site. Accordingly, by proceedings dt.10.9.1980 she was allotted house site admeasuring Ac.0.05 cents where the petitioner allegedly constructed house in 1981 and has been in possession of the same duly paying taxes to Bhadrachalam

Gram Panchayat. The petitioner allegedly approached the third respondent requesting permission for construction of permanent structure with R.C.C. and the matter was referred to first respondent for giving clearance. By Memo dt.9.12.2005 the first respondent rejected to give any clearance. The petitioner further alleges that after the Mandal Revenue Officer refused to give any clearance for conversion of temporary house into R.C.C. building, when the second respondent, at the instance of first respondent, is trying to dispossess and demolish the temporary house of petitioner, present Writ Petition is filed.

The Writ Petition was initially listed before this Court for admission on 30.12.2005 and at the request of the learned counsel for the Municipalities and the learned Standing Counsel for Girijana Cooperative Corporation (GCC), the matter was adjourned to enable those counsel to get instructions in the matter.

The learned counsel for the petitioner vehemently contends that the petitioner has been in possession of the property and she also raised structure, which was allotted house number as well as assessment number. Therefore, any action on the part of the respondents for demolition of the house is illegal. **Per contra,** learned Standing Counsel for GCC, on instructions, submits that there is no construction on the vacant site referred to by the petitioner. He placed reliance on proceedings of the Mandal Revenue Officer dt.9.12.2005 wherein it is recorded that the land given to the petitioner has been vacant for nearly more than twenty-five years. Learned Standing Counsel for Municipalities further submits that the Writ Petition is filed on mere apprehension and the officials never visited the house of the petitioners.

A reading of the Memo dt.9.12.2005 issued by first respondent would show that the land, which was given to the petitioner is situated near GCC stores, Bhadrachalam, on Kunavaram Road, and it is situated in S.No.121 and is Government land. An enquiry was conducted into the complaints and it was found that the land belongs to GCC. Further, the members of A.P.Adivasi Girijana Sangham and Adivasi Chaitanya Samithi, Bhadrachalam have informed that they obtained permission for construction of their office in the land. The Mandal Revenue officer also recorded that the land, which was assigned to petitioner in 1980, is kept vacant for the last twenty-five years. Presumably for this reason, the Mandal Revenue Officer refused to give any clearance for construction of house. These observations would support the submissions made the learned counsel for GCC. Therefore, this Court holds that the Writ Petition is filed on mere apprehension.

The Writ Petition is therefore dismissed.

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(V.V.S.RAO, J)

23.1.2006

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